

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Street and Alley Vacation #01005

DATE: April 3, 2001

PROPOSAL: The Planning Director has requested the vacation of the west 6' of NW 7th Street adjacent to Lots 1 and 2, Block 22, West Lincoln Addition, generally located at 2343 NW 7th Street.

GENERAL INFORMATION:

APPLICANT: Planning Director
555 S. 10th - Suite 213
Lincoln, NE 68508

CONTACT: Jason Reynolds, Planning Department
(402) 441-7620

LEGAL DESCRIPTION: The west 6' of NW 7th Street adjacent to Lots 1 and 2, Block 22 West Lincoln Addition, located in the NW 1/4 of Section 15, T10N, R6E of the 6th P.M., Lincoln, Lancaster County, Nebraska, generally located adjacent to 2343 NW 7th Street.

EXISTING ZONING: R-2 Residential

EXISTING LAND USE: Public right of way adjacent to a single family detached house and perpendicular to W Saunders Avenue.

SURROUNDING ZONING AND LAND USE: R-2 Residential housing to the north, west and east; vacant R-2 lot to the south; and H-3 Highway Commercial businesses further south along Cornhusker Hwy.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan shows the area as Urban Residential. Neither W. Saunders Avenue nor NW 7th Street are shown on the Existing or Future Functional Street and Road Classification.

ANALYSIS:

1. The owner of 2343 NW 7th Street petitioned the Board of Zoning Appeals for a variance of front yard setback from 25' to 19'; his house was built inside the required front yard setback on NW 7th Street. The appeal was heard at the February 23, 2001 BZA and action was postponed to allow time to process a street vacation request.

2. The Zoning Ordinance specifies the limits of the Board's jurisdiction:

To hear and decide upon petitions for variances and... to vary the strict application of the height, area, parking, density or sign requirements to the extent necessary to

STREET VACATION NO.01005
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permit the owner a reasonable use of the land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned. (Sec. 27.75.040(b))

3. In this case, the parcel of land is atypical only in that it is larger than many of the surrounding single family lots: it is otherwise representative of lots in the neighborhood. There are no peculiar, exceptional or unusual circumstances that would prevent the owner a reasonable use of the land, therefore it appears the Board of Zoning Appeals is not be empowered to grant a variance.
4. NW 7th Street has been entirely vacated one block north of W Saunders Avenue.
5. There would not be any fiscal or operational impacts as a result of this vacation.
6. Public Works recommends approval of this vacation request, provided utility easements are retained throughout the vacated area.

STAFF RECOMMENDATIONS: The proposed vacation conforms with the 1994 Comprehensive Plan

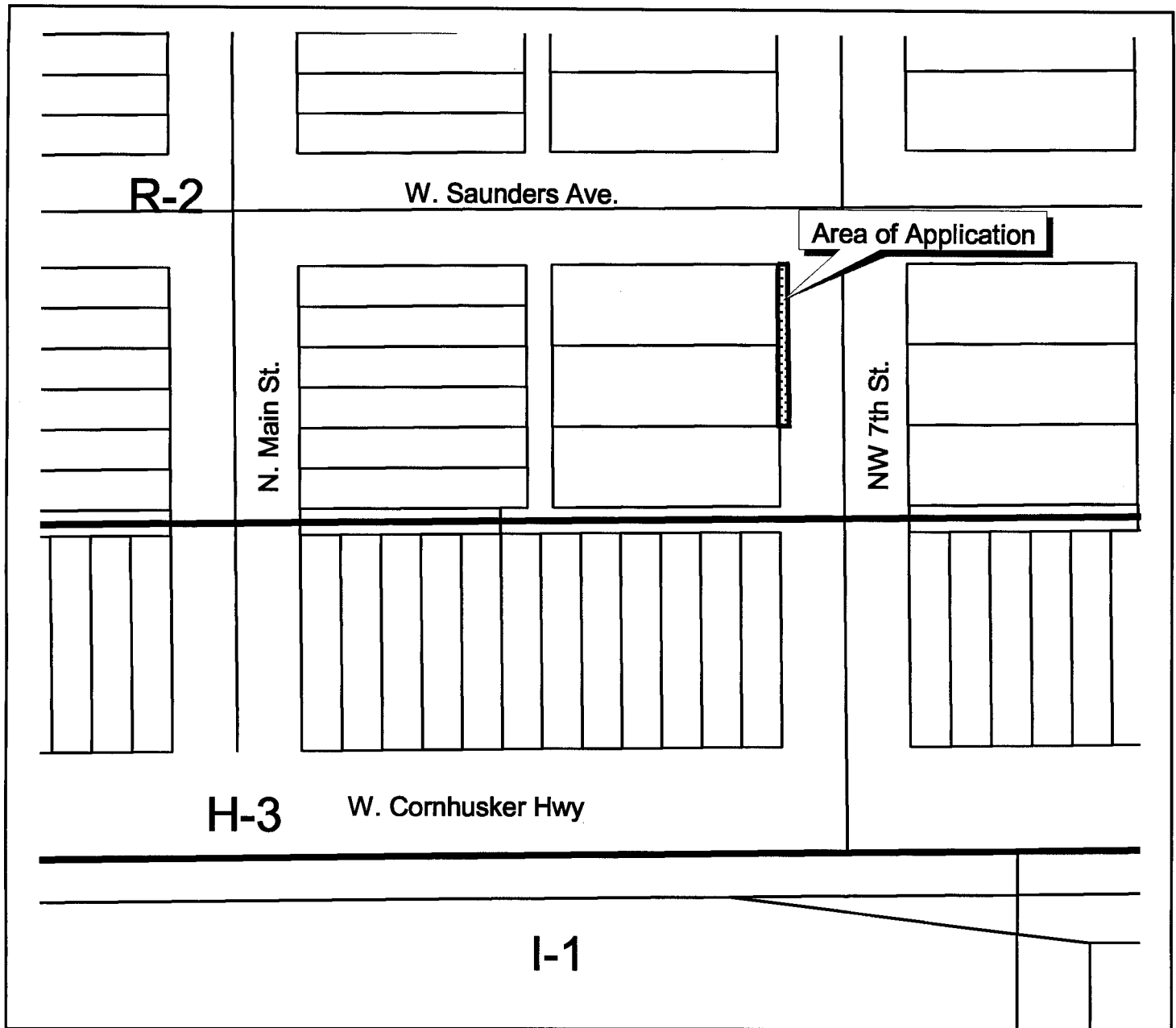
Conditional Approval

CONDITIONS:

1. That utility easements be retained over the entire vacated area.

Prepared by:

Jason Reynolds
Planning Department



Street & Alley Vacation #01005

2343 NW 7th St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

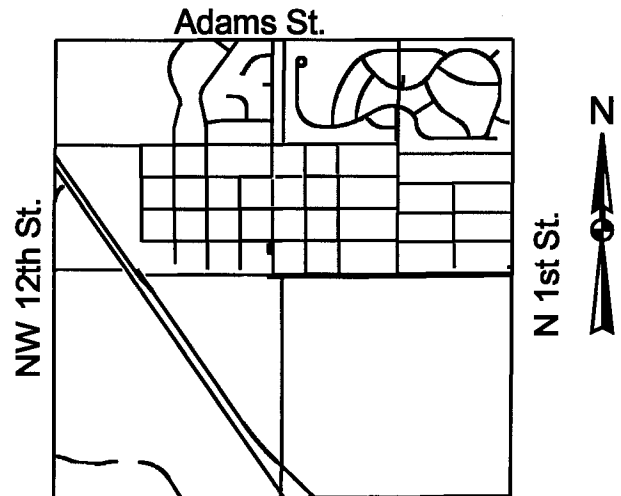
One Square Mile
Sec. 15 T10N R6E



Zoning Jurisdiction Lines



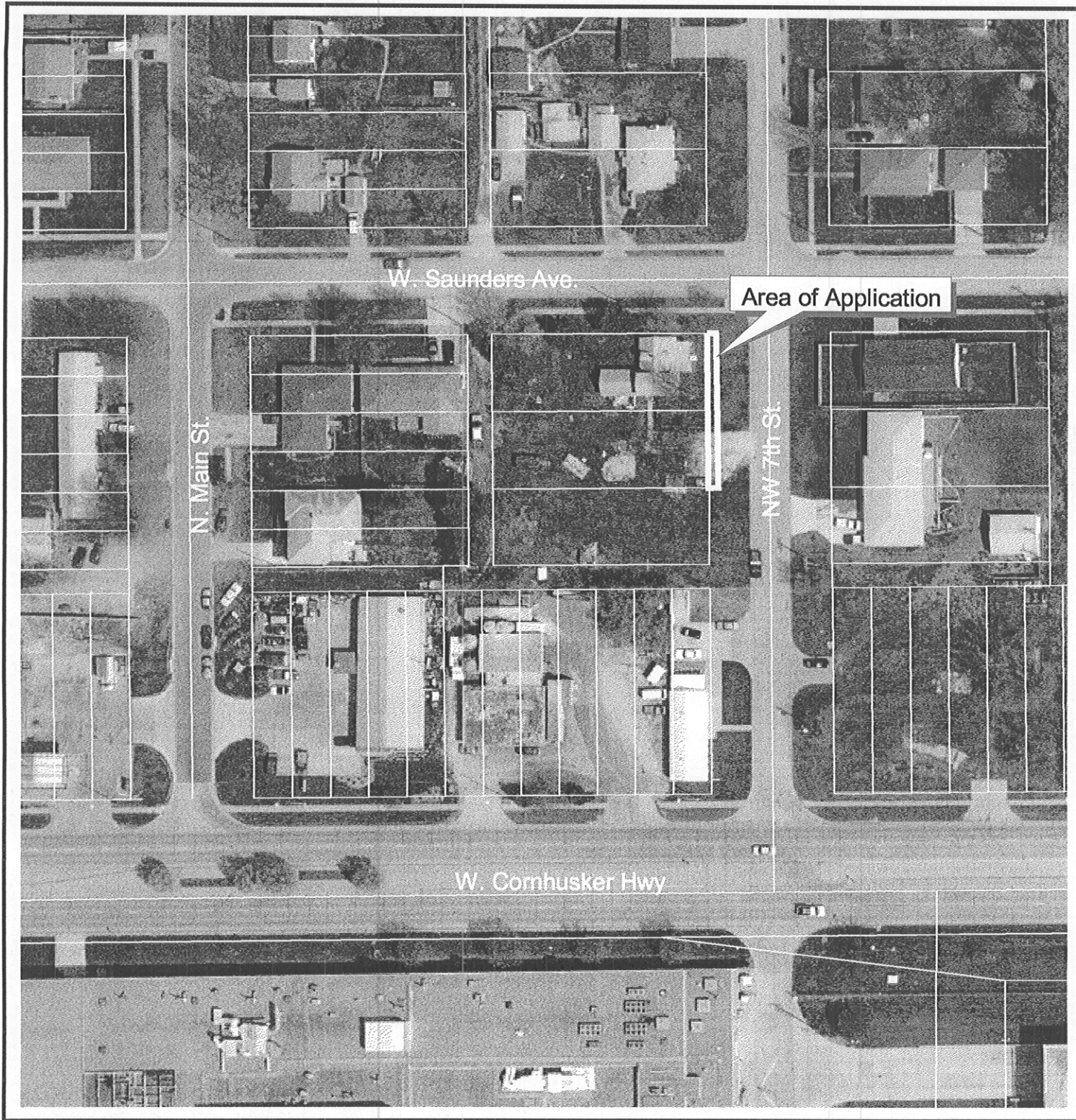
City Limit Jurisdiction



Holdrege St.

Sheet 1 of 2
Date: 4-5-01

Lincoln City - Lancaster County Planning Dept.



Street & Alley Vacation #01005
2343 NW 7th St.



Sheet 2 of 2

Date: 4-5-01

Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

MEMORANDUM

To: Dennis Bartels, Public Works

From: Jason Reynolds, Planning *JR*

cc: Kathleen Sellman, Planning Director
Ray Hill, Planning
Rick Peo, Law
Rodger Harris, Building & Safety
BZA #2304 file

Date: April 3, 2001

RE: SAV 01005 - vacating the West 6' of NW 7th Street adjacent to Lots 1 and 2, Block 22 West Lincoln Addition, located in the NW 1/4 of Section 15, T10N, R6E of the 6th P.M., Lincoln, Lancaster County, Nebraska.

Please consider this a request to vacate the above mentioned right-of-way.

This request derives from Nikolay Popov's petition to the Board of Zoning Appeals. I have enclosed the report I prepared for the Board, which describes the history of his request.

At the February 23 BZA meeting, staff discussed vacating a portion of the NW 7th Street right-of-way adjacent to Popov's property so that the nonconformance could be corrected without a variance. I spoke with Rick Peo on March 29 about the possibility of the City requesting the vacation instead of Mr. Popov. This will shorten the review time considerably: Real Estate would not have to appraise it and Law would not have to compare petitioners to owners of record. As the applicant, the City is unable to receive compensation for the right-of-way, but a 100' x 6' strip of ground is most likely of marginal value (the 710 sq ft of S. 2nd Street vacated by SAV 01001 was appraised at \$106.50).

NW 7th Street has 80' of right-of-way adjacent to Mr. Popov's house and is entirely vacated one block to the north. Dana Roper has indicated that utility easements could be retained over the abandoned right-of-way.

Please return comments ASAP; this item will be scheduled on the April 18 Planning Commission.

M e m o r a n d u m

To: Jason Reynolds, Planning

From: Byron Blum, Public Works *BB*

Subject: Vacation of West 6 Feet of N.W. 7th Street Adjacent to Lots 1 and 2, Block 22,
West Lincoln Addition

Date: April 6, 2001

cc: Dennis Bartels
Roger Figard
Rodger Harris
Rick Peo

Public Works has received your request for the vacation of the above described public right-of-way. The Department of Public Works and Utilities has no utilities in the area for this vacation. However, since all the utilities have not reviewed this request, Public Works recommends that a permanent easement be established over the entire vacated area.

Public Works recommends approval of this vacation request. Proposed vacation contains an area of 600 square feet, more or less.

